

# MEMORANDUM

May 19, 2005

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: ROGER H. GRANBO  
Principal Deputy County Counsel  
General Litigation Division

RE: Claim of JoAnne S.  
**Board of Supervisors Claim No. 04-2454**

DATE OF  
INCIDENT: July 19, 2004

AUTHORITY  
REQUESTED: \$60,900

COUNTY  
DEPARTMENT: Sheriff's Department

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## CLAIMS BOARD ACTION:




Approve



Disapprove



Recommend to Board of  
Supervisors for Approval



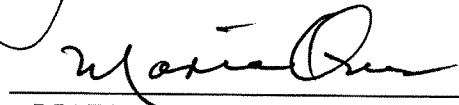
**ROCKY A. ARMFIELD**

, Chief Administrative Office



**JOHN F. KRATTLI**

, County Counsel



**MARIA M. OMS**

, Auditor-Controller

on June 6, 2005

## SUMMARY

This is a recommendation to settle for \$60,900 the government tort claim of JoAnne S., who alleges that she was sexually assaulted by a male inmate in the Los Angeles County Jail system.

## LEGAL PRINCIPLES

A public entity that operates custody facilities has a duty to supervise the inmates in those facilities in a non-negligent manner.

A public entity is responsible for the negligent and intentional acts of its employees when the acts are done in the course and scope of employment.

## SUMMARY OF FACTS

On July 16, 2004, JoAnne S. was arrested by the Long Beach Police Department and subsequently transferred to the Century Regional Detention Facility (CRDF), pending her court appearance on the charges for which she was arrested. CRDF is a jail facility run by the Los Angeles County Sheriff's Department. JoAnne S. was housed in the female housing area.

On July 19, 2004, a group of female inmates was taken from the female housing area to be transported to court. The module Sheriff's Deputy on duty in that area believed that all of the females were transported to court. The Sheriff's Deputy allowed a male inmate worker into the module to clean the cells. JoAnne S., however, was still in her cell, and the cell door was unlocked when the other woman in her cell went with the others to court.

The inmate worker entered JoAnne S.'s cell and had a brief conversation with her, and then left. He returned shortly thereafter, approached her as she lay on the bed, and, according to JoAnne S., sexually assaulted her. Later that day, JoAnne S. reported the incident to Sheriff's personnel, and an immediate investigation was conducted. The male inmate worker contended that the sexual encounter was consensual.

As a result of the investigation by the Sheriff's Department, the inmate worker was charged with rape, and in a plea negotiation, he plead to an assault. He has since been deported to El Salvador.

## DAMAGES

Should this matter proceed to trial, the potential damages could be as follows:

Emotional Distress	\$250,000
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The proposed settlement calls for the County to pay JoAnne S. \$60,900 for all of her claims for damages, costs, and attorney fees.

## STATUS OF CASE

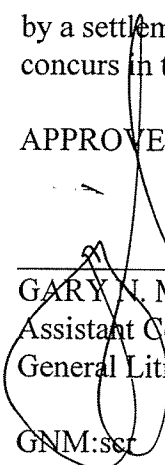
This matter is in the claim stage. Expenses incurred by the County in defense of this matter are attorney fees of \$1,244 and \$900 in costs.

## EVALUATION

This is a case of potential liability. Even though the module Deputy believed that all of the women in the area had been transported to court, he should have verified that all of the cells were empty before letting a male inmate into the area. A reasonable settlement at this time will avoid litigation costs and a potential jury verdict that would likely exceed the proposed settlement.

We recommend that the best interest of the County will be served by a settlement of this matter in the amount of \$60,900. The Sheriff's Department concurs in this recommendation.

APPROVED:

  
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GARY N. MILLER  
Assistant County Counsel  
General Litigation Division

GNM:ssr